

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

ALYCE R. PAYNE, WILLIAM FRENCH,
KAREN MICHAELS, and LORNA
HARRIS, on Behalf of Themselves and all
Others Similarly Situated,

Plaintiffs,

v.

APPLE INC. and AT&T MOBILITY LLC,

Defendant.

CIVIL ACTION NO. 09-cv-00042

**NOTICE OF FILING OF MOTION TO TRANSFER
PURSUANT TO 28 U.S.C. § 1407**

TO THE CLERK OF THIS COURT AND TO ALL PARTIES AND THEIR
ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on March 5, 2009, pursuant to 28 U.S.C. § 1407,
Apple submitted for filing with the Judicial Panel on Multidistrict Litigation a motion for
transfer and consolidation of this and eleven similar actions. Copies of the motion and
supporting documents are attached hereto as Exhibits A, B, C, and D.

Defendant Apple Inc. files this Notice pursuant to Rule 5.12(c) of the Rules of the
Judicial Panel for the purpose of informing the Court of the pendency of the proceedings
before the MDL Panel and will keep the Court informed of further developments.

Dated: March 5, 2009

DON G. RUSHING
MORRISON & FOERSTER LLP

By: /s/ Don G. Rushing
Don G. Rushing

Attorneys for Defendant
APPLE INC.

CERTIFICATE OF SERVICE BY OVERNIGHT DELIVERY
(Fed. R. Civ. Proc. rule 5(b))

I declare that I am employed with the law firm of Morrison & Foerster LLP, whose address is 425 Market Street, San Francisco, California 94105-2482; I am not a party to the within cause; I am over the age of eighteen years; and I am readily familiar with Morrison & Foerster's practice for collection and processing of correspondence for overnight delivery and know that in the ordinary course of Morrison & Foerster's business practice the document described below will be deposited in a box or other facility regularly maintained by UPS or delivered to an authorized courier or driver authorized by UPS to receive documents on the same date that it is placed at Morrison & Foerster for collection.

I further declare that on the date hereof I served a copy of:

**NOTICE OF FILING OF MOTION TO TRANSFER PURSUANT TO 28 U.S.C. § 1407
and CERTIFICATE OF SERVICE**

**MOTION FOR TRANSFER AND CONSOLIDATION OF RELATED APPLE iPhone
3G PRODUCTS LITIGATION PURSUANT TO 28 U.S.C. § 1407**

**MEMORANDUM OF LAW IN SUPPORT OF MOTION FOR TRANSFER AND
CONSOLIDATION OF RELATED APPLE iPhone 3G PRODUCTS LITIGATION
PURSUANT TO 28 U.S.C. § 1407**

**SEPARATE STATEMENT OF REASONS WHY ORAL ARGUMENT SHOULD BE
HEARD IN SUPPORT OF MOTION FOR TRANSFER AND CONSOLIDATION OF
RELATED APPLE iPhone 3G PRODUCTS LITIGATION PURSUANT TO 28 U.S.C.
§ 1407**

PROOF OF SERVICE

on the following by placing a true copy thereof enclosed in a sealed envelope with delivery fees provided for, addressed as follows for collection by UPS at Morrison & Foerster LLP, 425 Market Street, San Francisco, California 94105-2482, in accordance with Morrison & Foerster's ordinary business practice.

See attached Service List

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed at San Francisco, California, this 5th day of March, 2009.

Tina Armaz

(typed)

/s/ Tina Armaz

(signature)

Service List

Alan Mansfield
ROSNER & MANSFIELD, LLP
10085 Carroll Canyon Rd., Suite 100
San Diego, CA 92131

Scott E. Poynter
Christopher D. Jennings
Gina M. Dougherty
Ryan J. Caststeel
EMERSON POYNTER, LLP
The Museum Center
500 President Clinton Ave., Ste. 305
Little Rock, AR 72201

Attorneys for the Ashikian, Gillis, Keller, Medway, Pittman, Tanseco, and Walters Plaintiffs

Attorneys for Plaintiff Walters

William J. Doyle II
John A. Lowther IV
DOYLE LOWTHER, LLP
9466 Black Mountain Rd., Suite 210
San Diego, CA 92126

John G. Emerson
EMERSON POYNTER, LLP
830 Apollo Lane
Houston, TX 77058

*Attorneys for the Gillis, Keller, and Walters
Plaintiffs*

Attorneys for Plaintiff Walters

David W. Hiden
Michael I. Rott
Eric M. Overholt
HIDEN, ROTT & OERTLE, LLP
2635 Camino del Rio South, Suite 306
San Diego, CA 92108

Samuel P. Sporn
Frank R. Schirripa
Daniel B. Rehns
Jay P. Saltzman
SCHOENGOLD SPORN LAITMAN &
LOMETTI, P.C.
19 Fulton Street, Suite 406
New York, NY 10038

Attorneys for the Gillis and Keller Plaintiffs

Joe R. Whatley, Jr.
WHATLEY DRAKE & KALLAS LLC
1540 Broadway, 37th Floor
New York, NY 10036

Attorneys for Plaintiff Tanseco

Attorneys for Plaintiff Walters

Gordon M. Fauth, Jr.
LITIGATION LAW GROUP
1801 Clement Avenue, Suite 101
Alameda, CA 94501

Adam Plant
WHATLEY DRAKE & KALLAS LLC
2100 Park Place North, Suite 1000
Birmingham, AL 35203

Attorneys for Plaintiff Pittman

Attorneys for Plaintiff Walters

Daniel T. LeBel
Rosemary M. Rivas
FINKELSTEIN THOMPSON LLP
100 Bush Street, Suite 1450
San Francisco 94104

Attorneys for Plaintiff Ashikian

1 Burton H. Finkelstein
2 Mila F. Bartos
3 Karen J. Marcus
4 FINKELSTEIN THOMPSON LLP
5 1050 30th Street NW
6 Washington, D.C. 20007

7 *Attorneys for Plaintiff Ashikian*

8 David Joshua Staub
9 Law Office of D. Joshua Staub
10 PO Box 1914
11 Santa Monica, CA 90406

12 *Attorneys for Plaintiff Ashikian*

13 Lionel Z. Glancy
14 Peter Arthur Binkow
15 Mark L. Godino
16 GLANCY BINKOW & GOLDBERG LLP
17 1801 Avenue of the Stars, Suite 311
18 Los Angeles, CA 90067

19 *Attorneys for Plaintiff Medway*

20 W. Lewis Garrison, Jr.
21 Brian D. Hancock
22 Gayle L. Douglas
23 HENINGER GARRISON DAVIS, LLC
24 2224 First Avenue North
25 Birmingham, AL 35203

26 *Attorneys for the Smith Plaintiffs*

27 Haydn M. Trechsel
28 Edward S. Reisinger
29 Jonathan Lee Kudulis
30 TRIMMIER LAW FIRM
31 2737 Highland Avenue
32 Birmingham, AL 35205

33 *Attorneys for the Smith Plaintiffs*

34 Seth D. Rigrodsky
35 Brian D. Long
36 Mark S. Reich
37 Joseph Russello
38 RIGRODSKY & LONG, P.A.
39 919 North Market Street, Suite 980
40 Wilmington, DE 19801

41 *Attorneys for Plaintiff Koschitzki*

42 Joshua Farkas
43 STEIN FARKAS & SCHWARTZ LLP
44 1639 East 13th Street
45 Brooklyn, New York 11229

46 *Attorneys for Plaintiff Koschitzki*

47 Nadeem Faruqi
48 FARUQI & FARUQI LLP
49 369 Lexington Avenue, 10th Floor
50 New York, New York 10017

51 *Attorneys for the Gonzalez, Payne, and
52 Ritchie Plaintiffs*

53 Emily C. Komlossy
54 FARUQI & FARUQI LLP
55 3595 Sheridan Street, Suite 206
56 Hollywood, FL 33021

57 *Attorneys for the Gonzalez Plaintiffs*

58 Roger F. Claxton
59 CLAXTON & HILL, PLLC
60 10000 N. Central Expressway,
61 Suite 725
62 Dallas, Texas 75231

63 *Attorneys for the Payne Plaintiffs*

64 Joseph J. DePalma, Esq.
65 Jennifer Sarnelli, Esq.
66 LITE DEPALMA GREENBERG &
67 RIVAS, LLC
68 Two Gateway Center
69 12th Floor
70 Newark, NJ 07102

71 *Attorneys for Plaintiff Ritchie*

1 Lynn E. Parseghian
2 Kathleen T. Sooy
3 CROWELL & MORING LLP
4 1001 Pennsylvania Ave
5 Washington, DC 20004

6 *Attorneys for Defendant AT&T Mobility LLC*

7 Steven David Greenblatt
8 CROWELL & MORING LLP
9 153 E 53rd St
10 New York, NY 10022

11 *Attorneys for Defendant AT&T Mobility LLC*

12 Evan M. Tager
13 Archis A. Parasharami
14 Kevin Ranlett
15 MAYER BROWN LLP
16 1909 K Street Nw
17 Washington, DC 20006

18 *Attorneys for Defendant AT&T Mobility LLC*

19 Steven David Greenblatt
20 CROWELL & MORING LLP
21 153 E 53rd St
22 New York, NY 10022

23 *Attorneys for Defendant AT&T Mobility LLC*

24 Timothy Francis Gavin
25 CARRINGTON COLEMAN SLOMAN &
26 BLUMENTHAL
27 901 Main Street, Suite 5500
28 Dallas, TX 75202

29 *Attorneys for Defendant AT&T Mobility LLC*